

**EXHIBIT B**

Letter from Nam E. Kim, *Counsel for Sangre de Cristo Communications, Inc.*,  
to Marlene H. Dortch, *Secretary, FCC*, (Nov. 15, 2004)

**DOW, LOHNES & ALBERTSON, P.C.**  
ATTORNEYS AT LAW

**STAMP & RETURN**

**NAM E. KIM**

DIRECT DIAL 202-776-2453  
DIRECT FAX 202-776-4453  
nkim@dowlohn.com

WASHINGTON, D.C.

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802  
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222  
www.dowlohn.com

ONE RAVINIA DRIVE • SUITE 1600  
ATLANTA, GEORGIA 30346-2108  
TELEPHONE 770-901-8800  
FACSIMILE 770-901-8874

November 15, 2004

**VIA HAND DELIVERY**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**RECEIVED**

NOV 15 2004

Federal Communications Commission  
Office of Secretary

Attention: Video Division, Media Bureau  
Stop Code 1800E2

Re: KOAA-DT, Pueblo, Colorado (Facility ID No. 59014)  
DTV Pre-Election Certification

Dear Ms. Dortch:

On behalf of Sangre de Cristo Communications, Inc. ("Sangre"), permittee of KOAA-DT, Pueblo, Colorado, we hereby submit the enclosed FCC Form 381 DTV Pre-Election Certification and respectfully request acceptance of this submission.

In a letter dated November 5, 2004, Sangre advised the FCC that it has not yet issued a construction permit for KOAA-DT, and accordingly, Sangre was not submitting a Form 381 by the November 5, 2004 deadline. This past Friday, on November 12, 2004, the FCC granted the pending construction permit application for KOAA-DT. In light of the grant of the construction permit, Sangre is now able to complete the Form 381. The FCC's CDBS database does not permit the electronic filing of the Form 381, and therefore Sangre hereby submits the completed Form 381 by paper.

In light of the foregoing, Sangre respectfully requests a waiver of the deadline to file the Form 381 and the electronic filing requirement. Acceptance of the Form 381 will serve the public interest by allowing for a more complete database underlying the DTV channel election process.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

  
Nam E. Kim

cc: FCC Form 381 Electronic Mailbox (via email at form381@fcc.gov)  
Ms. Nazifa Naim (via email)

## FCC 381

### PRE-ELECTION CERTIFICATION FORM

Must Be Filed by **November 5, 2004**

**PLEASE READ INSTRUCTIONS BEFORE  
COMPLETING THIS FORM**

FOR  
FCC  
USE  
ONLY

FOR COMMISSION USE ONLY  
FILE NO.

#### SECTION I - GENERAL INFORMATION

##### Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee <b>Sangre de Cristo Communications, Inc.</b>		
Mailing Address <b>2200 - 7th Avenue</b>		
City <b>Pueblo</b>	State or Country (if foreign address) <b>CO</b>	ZIP Code <b>81003</b>
Telephone Number (include area code) <b>(719) 544-5781</b>		E-Mail Address (if available)

##### Station/Facility Information

2. FCC Registration Number <b>0001811827</b>	
Call Sign <b>KQAA-TV</b>	Facility ID Number <b>59014</b>
Community of License: City <b>Pueblo</b>	State <b>CO</b>

##### 3. Currently Assigned Channels:

- a. DTV Channel ☒ **42** ☐ Not Applicable
- b. NTSC Channel ☒ **5** ☐ Not Applicable

##### Contact Information (if different from licensee/permittee)

4. Contact Representative <b>Scott S. Patrick, Esq.</b>		Firm or Company Name <b>Dow, Lohnes &amp; Albertson, pllc</b>
Mailing Address <b>1200 New Hampshire Avenue, NW; Suite 800</b>		
City <b>Washington</b>	State or Country (if foreign address) <b>DC</b>	ZIP Code <b>20036</b>
Telephone Number (include area code) <b>(202) 776-2000</b>		E-Mail Address (if available)

##### Purpose of Form:

5. The purpose of this Pre-Election Certification Form is for licensees/permittees to provide and certify the technical information that will be used to evaluate elections made during the channel election process. Licensees/permittees make these certifications regarding database accuracy and intent to replicate/maximize to provide certainty with respect to their technical data for consideration by others participating in the channel election process. **(SELECT ONE)**

- a. ☒ Certification      b. ☐ Amendment

## SECTION II - CERTIFICATIONS

All broadcast licensees and permittees participating in the digital channel election process may make the following certifications. Licensees/permittees that do not submit this form by the deadline on page one will be presumed (1) to agree that their database technical information on file with the Commission is accurate and complete; and (2) not to intend to replicate or maximize, and such decision will be taken into account in the Commission's determination of final channel assignments.

### Replication/Maximization Deadlines

By completing the appropriate certification below, licensee/permittee may certify its intent to construct and operate its allotted "replication" facilities or already-authorized "maximization" facilities on its post-transition channel. Licensees/permittees are reminded that false certifications may result in fines and loss of license. Additionally, licensee's/permittee's failure to replicate or maximize to the extent it certifies will result in the loss of interference protection to those service areas not replicated or maximized.

Licensee/permittee should also be aware of the following replication and maximization deadlines that pertain to current DTV facilities and that affect the right to "carry over" interference protection to its post-transition channel. (Failure to meet the replication/maximization requirements will cause the licensee/permittee to lose interference protection to the unused portion of the associated area as of the applicable interference protection deadline. Furthermore, a licensee/permittee failing to meet these deadlines will lose the ability to "carry over" its interference protection to its unserved DTV service area on its post-transition channel.):

- o **July 1, 2005** -- Deadline for DTV licensees affiliated with the top-four networks (*i.e.*, ABC, CBS, Fox, and NBC) in markets 1-100. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 100 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.
  
- o **July 1, 2006** -- Deadline for all other commercial DTV licensees as well as noncommercial DTV licensees. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized DTV facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 80 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.

## 1. Replication/Maximization Certifications

Licenseses/permittees must indicate how their channel elections should be evaluated for purposes of interference protection analysis **(SELECT ONE)**:

- a. ☐ Licensee/permittee hereby certifies that it will operate its post-transition DTV station at maximized facilities, as authorized by license or construction permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- b. ☐ Licensee/permittee hereby certifies that it will operate its post-transition DTV station pursuant to a pending DTV application for maximization facilities that has not been authorized because of a pending international coordination issue.

(Licensee/permittee must provide FCC File No. here.)

- c. ☐ Licensee/permittee hereby certifies that it will operate its post-transition DTV station based on its allotted replication facilities.

- d. ☐ Licensee/permittee hereby certifies that it does not have a DTV channel allotment, and will operate its post-transition DTV station based on its currently authorized NTSC license or construction permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- e. ☒ Licensee/permittee hereby certifies that it will neither replicate nor maximize, and will operate its post-transition DTV station pursuant to the following authorized DTV facilities: **(SELECT ONE)**

- i. ☐ License, FCC File No.

(Licensee must provide FCC File No. here.)

- ii. ☒ Construction Permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- iii. ☐ STA, FCC File No.

## 2. Database Certification

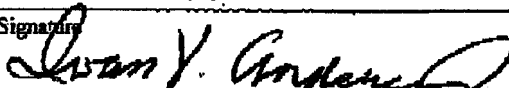
Licenseses/permittee hereby certifies that it has reviewed its database information on file with the Commission and that its technical information is accurate and complete, to the best of its knowledge.

☒ YES ☐ NO

If no, licenseses/permittee must attach an explanation, including appropriate engineering data, as an Exhibit to this form.

Exhibit No.

I certify that the statements and certifications in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Typed or Printed Name of Person Signing Ivan Anderson, Jr.	Typed or Printed Title of Person Signing Vice President
Signature 	Date November 15, 2004